

BUCKET NO. QNS96-02A2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a named inventor, I hereby declare that:

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which (check one)

[X] was filed on October 23, 1998 as United States Application

and was amended on \_\_\_\_\_ (if applicable).

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

Prior Foreign Application(s)

<u>PCT/CA97/00264</u> (Number)	<u>CA</u> (Country)	<u>23/04/97</u> (Day/Month/Year filed)	[ ]
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9608482      UK      23/04/96      [      ]  
(Number)      (Country)      (Day/Month/Year filed)

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year filed) [ ]

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
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_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
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_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
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_____ (Application Serial No.)	_____ (Filing date)	_____ (Status: patented, pending, abandoned)
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As a named inventor, I hereby appoint the attorneys and/or agents associated with

Hamilton, Brook, Smith & Reynolds, P.C.  
2 Militia Drive  
Lexington, Massachusetts 02421-4799  
**Customer No. 21005**

Carol Miernicki Steeg, Ph.D.  
Parteq Innovations  
Queen's University, Kingston Ontario  
K7L 3N6 Canada  
Registration No. 39,539

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the attorneys and/or agents associated with **Customer No. 21005** to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states;

and \_\_\_\_\_

Send correspondence to: David E. Brook, Esq. Hamilton, Brook, Smith & Reynolds, P.C., Two Militia  
Drive, Lexington, Massachusetts 02421-4799

Direct telephone calls to: David E. Brook, Esq. (781) 861-6240

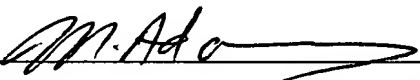
Direct facsimiles to: David E. Brook, Esq. (781) 861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Michael A. Adams

Inventor's

Signature  Date Jan 19, 1999

Residence 341 Renda Street, Kingston, Ontario, K7M 5X9, Canada

Citizenship Canadian

Post Office Address same as above

Full name of second joint

inventor, if any Jeremy P.W. Heaton

Inventor's

Signature  Date Jan 18 '99

Residence 1818 MacAlpine Road, R.R. #3, Gananaque, Ontario, K7G 2V7, Canada

Citizenship Canadian

Post Office Address same as above

Full name of third joint

inventor, if any Donald H. Maurice

Inventor's

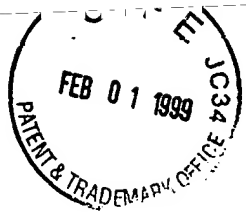
Signature  Date Jan 19, 99

Residence 742 Chatsworth Place, Kingston, Ontario K7P 2E2, Canada

Citizenship Canadian

Post Office Address same as above

#3



Applicant or Patentee: Michael A. Adams *et al*

Serial or Patent No.: 09/177,711

Filed or Issued: October 23, 1998

Attorney's Docket Number: QNS96-02A2

For: **COMBINATION THERAPY FOR TREATMENT OF ERECTILE DYSFUNCTION**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9 (f) and 1.27 (d) - NONPROFIT ORGANIZATION)

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Queen's University  
ADDRESS OF ORGANIZATION: Kingston, Ontario K7L 3N6 Canada  
TYPE OF ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE \_\_\_\_\_)  
CITATION OF STATUTE \_\_\_\_\_  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled **Combinatino Therapy for Treatment of Erectile Dysfunction** by inventor(s) Michael A. Adams, Jeremy P. W. Heaton and Donald H. Maurice described in

- ☐ the specification filed herewith  
☒ application serial no. 09/177,711 filed October 23, 1998  
☐ patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME: VAXIS THERAPEUTICS CORPORATION

ADDRESS: 116 Barrie Street, Suite 1606, Biosciences Complex, Kingston, Ontario K7L 3N6 Canada

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Bruce Hutchinson, Director (Research Services)

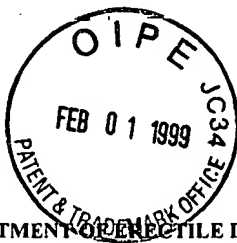
TITLE OF ORGANIZATION: Queen's University at Kingston

ADDRESS OF PERSON SIGNING: Kingston, Ontario K7L 3N6 Canada

SIGNATURE:

DATE: 1999-01-22

#3



Applicant or Patentee: Michael A. Adams *et al*  
Serial or Patent No.: 09/177,711  
Filed or Issued: October 23, 1998  
For: **COMBINATION THERAPY FOR TREATMENT OF ERECTILE DYSFUNCTION**

Attorney's Docket Number: QNS96-02A2

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9 (f) and 1.27 (c) - SMALL BUSINESS CONCERN

We hereby declare that we are

- ☐ the owner of the small business concern identified below:
- ☒ the officials of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **VAXIS THERAPEUTICS CORPORATION**  
ADDRESS OF ORGANIZATION: **116 Barrie Street, Suite 1606, Biosciences Complex, Kingston, Ontario K7L 3N6 Canada**

We hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

We hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: **Combination Therapy for Treatment of Erectile Dysfunction** by inventor(s) Michael A. Adams, Jeremy P. W. Heaton and Donald H. Maurice

described in  
☐ the specification filed herewith  
☒ application serial no. 09/177,711  
☐ patent no. filed: October 23, 1998  
issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

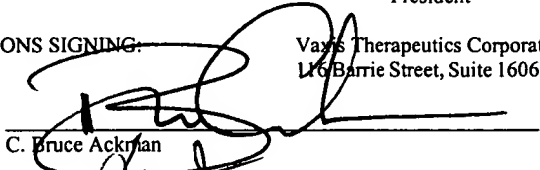
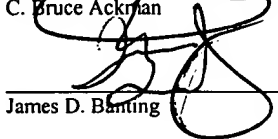
NAME: **Queen's University at Kingston**  
ADDRESS: **Kingston, ON K7L 3N6 Canada**

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSONS SIGNING: **C. Bruce Ackman** **James D. Banting,**  
**President** **Vice President Operations**  
ADDRESS OF PERSONS SIGNING: **Vaxis Therapeutics Corporation**  
**116 Barrie Street, Suite 1606, Biosciences Complex, Kingston, Ontario, K7L 3N6, Canada**

SIGNATURE:  DATE: **21 JAN /99**  
SIGNATURE:  DATE: **Jan 20/99**